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PHONE #:

FROM: Victor E. Johnson

FAX #: (415) 398-3249

PHONE #: (415) 781-1989

EMAIL: johnson.victor@dorseyllaw.com

RE:

U.S. Patent Application No. 10/726,389 for  
*Fuel Cell Cartridge for Portable Electronic Device*  
Our Docket No. A-70547-2/RFT/VEJ (Our Matter No. 468940-00071)

## COMMENTS:

Kindly acknowledge receipt of the following documents by return facsimile:

1. This Fax Cover Sheet;
2. Information Disclosure Statement;
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PATENT

Attorney Docket No. A-70547-2/RFT/VEJ  
Attorney Matter No. 468940-00071  
Application No. 10/726,389**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

**Michael BIRSCHBACH**

Application No. 10/726,389

Filed: **December 1, 2003**For: **FUEL CELL CARTRIDGE FOR  
PORTABLE ELECTRONIC  
DEVICE**Art Unit: **1745**Examiner: **To be assigned**Docket No.: **A-70547-2/RFT/VEJ**

*Certificate of Transmission (37 C.F.R. § 1.8(a))*  
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*Patricia A. Diehl*  
Patricia A. Diehl

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**INFORMATION DISCLOSURE STATEMENT**

Sir:

This Information Disclosure Statement is hereby submitted in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention. The Examiner's attention is directed to the reference(s) cited on the accompanying substitute for form PTO-1449A/PTO. Copies of the cited references are enclosed, unless otherwise noted below. It is further understood that the Examiner will also consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. Notice of April 20, 1992, 1138 OG 37-41, at 37; M.P.E.P. § 609 (I)(A)(2).

Applicant makes no representation that a search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material to patentability. The filing of this Information

INFORMATION DISCLOSURE STATEMENT

- 1 -

(1136312)

PATENT

Attorney Docket No. A-70547-2/RFT/VEJ  
Attorney Matter No. 468940-00071  
Application No. 10/726,389

Disclosure Statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 11 O.G. 13-25, at 25.

This Information Disclosure Statement is being filed within three months of the filing date of a national application other than a continued prosecution application, within three months of the date of entry of a national stage, before the mailing date of a first Office action on the merits, or before the mailing date of a first Office action after the filing date of request for continued examination. 37 C.F.R. § 1.97(b). No fee is required.

This Application relies on the earlier filing date of prior Application No. 10/309,954, filed December 3, 2002, under 35 U.S.C. § 120. It is understood that the Examiner will consider information that was submitted to or cited by the Office in such prior applications. Notice of April 20, 1992, 1138 OG 37-41, at 37; M.P.E.P. § 609 (I)(A)(2). Copies of documents previously submitted to or cited by the Office in the prior application are not required to be provided in this application and thus are not attached. 37 C.F.R. § 1.98(d).

- ☒ A copy of each reference cited on the accompanying substitute for form PTO-1449A/PTO was submitted to or cited by the Office in the above-mentioned applications, thus a copy of such references is not required nor is attached.

A concise explanation of the relevance of the non-English language document(s) appears below:

- ☒ A concise explanation of the relevance of any non-English language documents is not required as the non-English language documents were cited or submitted in a prior application relied on under 35 U.S.C. § 120. M.P.E.P. § 609 (III)(A)(3). As a copy of each reference was cited or submitted in prior U.S. Patent Application No. 10/309,954, filed December 3, 2002, a concise explanation of the relevance thereof is not required and thus is not provided in this application.

PATENT

Attorney Docket No. A-70547-2/RFT/VEJ  
Attorney Matter No. 468940-00071  
Application No. 10/726,389

In accordance with M.P.E.P. §2001.06(b), the Examiner's attention is directed to co-pending U.S. Patent Application Nos.: 10/161,558 filed May 31, 2002; 10/309,954 filed December 3, 2002; and 10/727,090 filed December 2, 2003, which are directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 50-2319 (Matter No. 468940-00071; Docket No. A-70547-2/RFT/VEJ).

Respectfully submitted,

Date: 4/15/2004By: 

Victor E. Johnson, Reg. No. 41,546  
/for/ Richard F. Trecartin, Reg. No. 31,801  
Filed Under 37 C.F.R. § 1.34(a)

DORSEY & WHITNEY LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (415) 781-1989 Facsimile: (415) 398-3249

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
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			Filing Date	December 1, 2003	
			First Named Inventor	Michael BIRSCHBACH	
			Group Art Unit	1745	
			Examiner Name	To be assigned	
Sheet	1	of	10	Attorney Docket Number	A-70547-2/RFT/VEJ

U.S. PATENT DOCUMENTS					
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	A1	3,013,908	12/19/1961	LUCK <i>et al.</i>	
	A2	3,113,049	12/03/1963	WORSHAM	
	A3	3,368,922	02/13/1968	SALYER	
	A4	4,192,907	03/11/1980	JALAN <i>et al.</i>	
	A5	4,242,421	12/30/1980	KUDO <i>et al.</i>	
	A6	4,262,063	04/14/1981	KUDO <i>et al.</i>	
	A7	4,316,944	02/23/1982	LANDSMAN <i>et al.</i>	
	A8	4,373,014	02/08/1983	LANDSMAN <i>et al.</i>	
	A9	4,390,603	06/28/1983	KAWANA <i>et al.</i>	
	A10	4,395,322	07/26/1983	HARRIS	
	A11	4,407,904	10/04/1983	UOZUMI <i>et al.</i>	
	A12	4,407,905	10/04/1983	TAKEUCHI <i>et al.</i>	
	A13	4,413,041	11/01/1983	HEGEDUS	
	A14	4,417,969	11/29/1983	EZZELL <i>et al.</i>	
	A15	4,420,544	12/13/1983	LAWSON <i>et al.</i>	
	A16	4,446,210	05/01/1984	OKADA <i>et al.</i>	
	A17	4,447,506	05/08/1984	LUCZAK <i>et al.</i>	
	A18	4,456,521	06/26/1984	SOLOMON <i>et al.</i>	
	A19	4,476,002	10/09/1984	HOWARD <i>et al.</i>	
	A20	4,478,917	10/23/1984	FUJITA <i>et al.</i>	
	A21	4,481,266	11/06/1984	LITTAUER <i>et al.</i>	
	A22	4,524,113	06/18/1985	LESIEUR	
	A23	4,537,840	08/27/1985	TSUKUI <i>et al.</i>	
	A24	4,542,079	09/17/1985	TAKEUCHI <i>et al.</i>	
	A25	4,562,123	12/31/1985	SHIMIZU <i>et al.</i>	

Examiner Signature	Date Considered
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(1136311)



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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/726,389		
		Filing Date	December 1, 2003		
		First Named Inventor	Michael BIRSCHBACH		
		Group Art Unit	1745		
		Examiner Name	To be assigned		
Sheet	3	of	10	Attorney Docket Number	A-70547-2/RFT/VEJ

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant or Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A51	4,937,220	06/26/1990	NICKOLS, Jr.	
	A52	4,970,128	11/13/1990	ITOH <i>et al.</i>	
	A53	4,985,386	01/15/1991	TSURUMI <i>et al.</i>	
	A54	4,988,582	01/29/1991	DYER	
	A55	5,004,424	04/02/1991	LARMINIE	
	A56	5,019,463	05/28/1991	MATSUBARA <i>et al.</i>	
	A57	5,024,905	06/18/1991	ITOH <i>et al.</i>	
	A58	5,034,288	07/23/1991	BOSSEL	
	A59	5,035,962	07/30/1991	JENSEN	
	A60	5,061,581	10/29/1991	NARANG <i>et al.</i>	
	A61	5,068,161	11/26/1991	KECK <i>et al.</i>	
	A62	5,079,107	01/07/1992	JALAN	
	A63	5,084,144	01/28/1992	REDDY <i>et al.</i>	
	A64	5,094,928	03/10/1992	DYER	
	A65	5,102,750	04/07/1992	TAYLOR	
	A66	5,102,751	04/07/1992	NARANG <i>et al.</i>	
	A67	5,132,193	07/21/1992	REDDY <i>et al.</i>	
	A68	5,171,644	12/15/1992	TSOU <i>et al.</i>	
	A69	5,178,971	01/12/1993	ITOH <i>et al.</i>	
	A70	5,183,713	02/02/1993	KUNZ	
	A71	5,186,877	02/16/1993	WATANABE	
	A72	5,189,005	02/23/1993	WATANABE <i>et al.</i>	
	A73	5,208,207	05/04/1993	STONEHART <i>et al.</i>	
	A74	5,225,391	07/06/1993	STONEHART <i>et al.</i>	
	A75	5,234,772	08/10/1993	OGUCHI <i>et al.</i>	

Examiner Signature	Date Considered
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				Application Number	10/726,389
				Filing Date	December 1, 2003
				First Named Inventor	Michael BIRSCHBACH
				Group Art Unit	1745
				Examiner Name	To be assigned
Sheet	4	of	10	Attorney Docket Number	A-70547-2/RFT/VEJ

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Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A76	5,234,777	08/10/1993	WILSON	
	A77	5,252,410	10/12/1993	WILKINSON <i>et al.</i>	
	A78	5,262,250	11/16/1993	WATANABE	
	A79	5,271,917	12/21/1993	HOFFMAN	
	A80	5,284,718	02/08/1994	CHOW <i>et al.</i>	
	A81	5,284,878	02/08/1994	STUDER <i>et al.</i>	
	A82	5,294,317	03/15/1994	SAITO <i>et al.</i>	
	A83	5,294,580	03/15/1994	DUFNER	
	A84	5,298,343	03/29/1994	SAVADOGO <i>et al.</i>	
	A85	5,312,876	05/17/1994	DANG <i>et al.</i>	
	A86	5,312,895	05/17/1994	DANG <i>et al.</i>	
	A87	5,314,760	05/24/1994	TSOU <i>et al.</i>	
	A88	5,314,762	05/24/1994	HAMADA <i>et al.</i>	
	A89	5,316,643	05/31/1994	AHN <i>et al.</i>	
	A90	5,330,860	07/19/1994	GROT <i>et al.</i>	
	A91	5,346,780	09/13/1994	SUZUKI	
	A92	5,367,051	11/22/1994	NARANG <i>et al.</i>	
	A93	5,378,508	01/03/1995	CASTRO	
	A94	5,384,208	01/24/1995	BRAND <i>et al.</i>	
	A95	5,403,675	04/04/1995	OGATA <i>et al.</i>	
	A96	5,432,023	07/11/1995	YAMADA <i>et al.</i>	
	A97	5,438,082	08/01/1995	HELMER-METZMANN <i>et al.</i>	
	A98	5,468,574	11/21/1995	EHRENBERG <i>et al.</i>	
	A99	5,472,799	12/05/1995	WATANABE	
	A100	5,480,735	01/02/1996	LANDSMAN <i>et al.</i>	

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Sheet	6	of	10	Attorney Docket Number	A-70547-2/RFT/VEJ

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	A126	5,702,836	12/30/1997	MA <i>et al.</i>	
	A127	5,702,838	12/30/1997	YASUMOTO <i>et al.</i>	
	A128	5,723,229	03/03/1998	SCHEIFERS <i>et al.</i>	
	A129	5,731,104	03/24/1998	VENTURA <i>et al.</i>	
	A130	5,741,408	04/21/1998	HELMER-METZMANN <i>et al.</i>	
	A131	5,759,712	06/02/1998	HOCKADAY	
	A132	5,773,162	06/30/1998	SURAMPUDI <i>et al.</i>	
	A133	5,773,480	01/30/1998	STONE <i>et al.</i>	
	A134	5,789,093	08/04/1998	MALHI	
	A135	5,795,496	08/18/1998	YEN <i>et al.</i>	
	A136	5,798,187	08/25/1998	WILSON <i>et al.</i>	
	A137	5,804,325	09/08/1998	YEPEZ	
	A138	5,834,523	11/10/1998	STECK <i>et al.</i>	
	A139	5,834,566	11/10/1998	HELMER-METZMANN <i>et al.</i>	
	A140	5,846,615	12/08/1998	SHARMA <i>et al.</i>	
	A141	5,856,036	01/05/1999	SMOTKIN	
	A142	5,858,568	01/12/1999	HSU <i>et al.</i>	
	A143	5,863,673	01/26/1999	CAMPBELL <i>et al.</i>	
	A144	5,874,182	02/23/1999	WILKINSON <i>et al.</i>	
	A145	5,876,867	03/02/1999	ITOH <i>et al.</i>	
	A146	5,885,338	03/23/1999	NIGAM <i>et al.</i>	
	A147	5,894,038	04/13/1999	SHARMA <i>et al.</i>	
	A148	5,904,740	05/18/1999	DAVIS	
	A149	5,906,716	05/25/1999	MERTESDORF <i>et al.</i>	
	A150	5,916,699	06/29/1999	THOMAS <i>et al.</i>	

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	A201	WO 95/27759 A1	10/19/1995	SRI INTERNATIONAL		
	A202	WO 98/22989 A1	05/28/1998	UNIVERSITY OF SOUTHERN CALIFORNIA		
	A203	WO 99/54389 A1	10/28/1999	UNIVERSITÄT STUTTGART	English Abstract	
	A204	WO 99/54407 A2	10/28/1999	UNIVERSITÄT STUTTGART	English Abstract	
	A205	WO 00/09610 A1	02/24/2000	THE RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK		
	A206	WO 00/10736 A1	03/02/2000	SRI INTERNATIONAL		
	A207	WO 00/22684 A3	04/20/2000	FOSTER-MILLER, INC.		
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	A210	WO 00/35032 A1	06/15/2000	HOCKADAY et al.		
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	A215	EP 0,337,626 A1	10/18/1989	PCI MEMBRANE SYSTEMS LIMITED		
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	A219	GB 1,534,015	11/29/1978	INSTITUT FRANCAIS DU PETROLE		

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			Application Number	10/726,389	
			Filing Date	December 1, 2003	
			First Named Inventor	Michael BIRSCHBACH	
			Group Art Unit	1745	
			Examiner Name	To be assigned	
Sheet	10	of	10	Attorney Docket Number	A-70547-2/RFT/VEJ

OTHER NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	A220	GASTEIGER, H.A. <i>et al.</i> , "CH <sub>3</sub> OH Oxidation on Well-Characterized Pt-Ru Alloys," Chemical Engineering Department, University of California at Berkeley and Lawrence Berkeley Laboratory, Berkeley, CA, pp. 1-5, March 15, 1993.	
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	A223	KERRES, J. <i>et al.</i> , "Synthesis and Characterization of Novel Acid-Base Polymer Blends for Application in Membrane Fuel Cells," Solid State Ionics 125, pp. 243-249, 1999.	
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